IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.M. No. 886 of 2007.

Judgement reserved on: .

Date of decision: 13.12.2007.

Babu Ram ….. **Petitioner.**

Vs.

State of H.P. …. **Respondent.**

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. T.S.Chauhan, Advocate.

For the Respondent : Mr. M.L.Chauhan, Addl. Advocate General.

Kuldip Singh, Judge (oral).

This is an application, under Section 438 of the Code of Criminal Procedure, for releasing the petitioner on bail in case FIR No. 454/07, dated 19.11.2007, registered at Police Station, Sundernagar, District Mandi, under Sections 379, 411 read with Section 34 IPC. It has been submitted that one Sher Singh was earlier arrested in FIR No. 454 of 2007 and he remained in police custody for about seven days and later on released on bail. The petitioner was called for investigation in the case but nothing was found against him. On 3.12.2007, the petitioner was at Shimla in connection with the treatment of his relative, the petitioner was informed that police was searching him. In these circumstances, he filed the present application. The petitioner has been falsely

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Whether the reporters of the local papers may be allowed to see the Judgment?

implicated in the case. He is ready to join the investigation. The learned Additional Advocate General has filed the status report.

2. Heard and perused the record.

3. The learned counsel for the petitioner has submitted that petitioner has been falsely implicated in the case. In FIR No. 454 of 2007, the petitioner earlier joined the investigation but nothing was found against him. But now the police is after him to arrest him. He has submitted that other accused in the case have already been granted bail by the courts.

4. The learned Additional Advocate General has opposed the bail application. He has submitted that the petitioner is involved in the case alongwith other persons. He has submitted that other accused namely Sher Singh, Amar Singh, Prem Lal, Ramesh Kumar have confessed that they have stolen truck batteries and other articles and sold to Rattan Lal, scrap dealer, and petitioner remained with them during those thefts. Some of the stolen articles have been recovered from the shop of Rattan Lal, scrap dealer. The learned Additional Advocate General has not denied that the other accused in FIR No. 454 of 2007 have been released on bail by the courts. It is not the case against the petitioner that after the theft of different articles, stolen articles wee shared by the petitioner and other accused and truck batteries were actually handed over to the petitioner by the other accused. In the facts and circumstances of the case the application is allowed and it is directed that in the event of arrest of the petitioner in case FIR No. 454 of 2007, he is ordered to be released on bail on his furnishing personal bond in the sum of

Rs.10,000/- with one surety of the like amount to the satisfaction of the Arresting Officer with the conditions that the petitioner will join the investigation as and when called upon to do so and will not hamper the investigation or tamper with the evidence in any manner. The application stands disposed of.

5. Any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

6. Dasti copy on usual terms.

December 13, 2007. **(Kuldip Singh)**
(*Hem*) **Judge.**